

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X :
 :
MARTEL BEE, :
 :
Plaintiff, :
 :
-against- :
 :
C.O. KRUPP, ET AL., :
 :
Defendants.
:
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>04/23/09</u>

ORDER
08 Civ. 10141 (SHS)(KNF)

KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

A review of the docket sheet maintained by the Clerk of Court for this action indicates that a complaint was filed on November 21, 2008. The plaintiff requested, in February 2009, and was granted additional time to effect service of the summons and complaint on the defendants. As of the date of this order, no proof the plaintiff served the summons and complaint on any of the defendants has been filed with the court, and the time for effecting service has elapsed. Rule 4(m) of the Federal Rules of Civil Procedure provides, in pertinent part, that:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

On or before May 22, 2009, the plaintiff shall file proof with the Clerk of Court that he served the defendants with the summons and complaint. If he fails to do so, and if the plaintiff

fails to show cause, in writing, why service has not been effected, a report and recommendation will be made to the assigned United States district judge that the complaint be dismissed, for failure to prosecute, pursuant to Rules 4 and 41 of the Federal Rules of Civil Procedure.

The plaintiff is directed to contact the Pro Se Office for this judicial district, which is located at 500 Pearl Street, Room 230, New York, New York 10007, telephone number (212) 805-0177, for any procedural assistance he may require.

Dated: New York, New York
April 22, 2009

SO ORDERED:

Copy mailed to:
Mr. Martel Bee

Kevin Nathaniel Fox
KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE